

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Project No. 1895-025]****City of Columbia, Columbia Hydroelectric Project; Notice Rejecting Request for Rehearing**

November 4, 2003.

On September 4, 2003, the Director, Division of Hydropower Administration and Compliance, issued an order granting the licensee for the Columbia Hydroelectric Project No. 1875 an extension of time to comply with the requirements of Articles 202, 401, 406, 407, 411, 412 and 413 of the project license.<sup>1</sup> On October 2, 2003, South Carolina Coastal Conservation League and American Rivers (Conservation Groups) filed a request for limited rehearing of that order.

Pursuant to section 313(a) of the Federal Power Act, 16 U.S.C. 8251(a), a request for rehearing may be filed only by a party to the proceeding. In order for Conservation Groups to be a party to the proceeding, it must have timely filed motion to intervene pursuant to Rule 214 of the Rules of Practice and Procedure, 18 CFR 385.214.<sup>2</sup> Conservation Groups asks that the Commission "waive the requirement that a person requesting rehearing already have party status."<sup>3</sup> Because the requirement is statutorily based, it cannot be waived, and Conservation Groups' request for rehearing must therefore be rejected.

Conservation Groups' rehearing request would be rejected in any event. With regard to post-licensing proceedings, the Commission only entertains motions to intervene where the filing entails a material change in the plan of project development or in the terms of the license, or would adversely affect the rights of property holder in a manner not contemplated by the license, or involves an appeal by an agency or entity specifically given a consultation role.<sup>4</sup> The timing of a compliance filing is an administrative matter between the licensee and the Commission, and does not alter the

substantive obligations of the licensee.<sup>5</sup> It therefore does not give rise to an opportunity for intervention and rehearing.

This notice constitutes final agency action. Request for rehearing by the Commission of this rejection notice must be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713.

**Magalie R. Salas,***Secretary.*

[FR Doc. E3-00208 Filed 11-12-03; 8:45 am]

**BILLING CODE 6717-01-P****DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Sunshine Act; Notice**

November 6, 2003.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No 94-409), 5 U.S.C 552B:

**AGENCY HOLDING MEETING:** Federal Energy Regulatory Commission.**DATE AND TIME:** November 13, 2003, 10 a.m.**PLACE:** Room 2C, 888 First Street, NE., Washington, DC 20426.**STATUS:** Open.**MATTERS TO BE CONSIDERED:** Agenda.

\* **Note:** Items listed on the agenda may be deleted without further notice.

**FOR FURTHER INFORMATION CONTACT:**

Magalie R. Salas, Secretary, Telephone (202) 502-8400. For a recording listing items stricken from or added to the meeting, call (202) 502-8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

**844th—Meeting November 13, 2003, Regular Meeting 10 a.m.****Administrative Agenda**

A-1.

Docket# AD02-1, 000, Agency Administrative Matters.

A-2.

Docket# AD02-7, 000, Customer Matters, Reliability, Security and Market Operations.

A-3.

Docket# MO04-1, 000, Report on Winter Energy Market Assessments.

**Markets, Tariffs and Rates—Electric**

E-1.

Docket# EL03-212, 000, Ameren Services Company on behalf of: Union Electric Company and Central Illinois Public Service Company

American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company

Dayton Power and Light Company  
Exelon Corporation on behalf of:

Commonwealth Edison Company and  
Commonwealth Edison Company of  
Indiana, Inc.

First Energy Corporation on behalf of:

American Transmission Systems, Inc.  
Illinois Power Company and Northern  
Indiana Public Service Company

Other#s EL03-212, 001, Ameren Services Company on behalf of: Union Electric Company and Central Illinois Public Service Company

American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company

Dayton Power and Light Company  
Exelon Corporation on behalf of:

Commonwealth Edison Company and  
Commonwealth Edison Company of  
Indiana, Inc.

First Energy Corporation on behalf of:

American Transmission Systems, Inc.  
Illinois Power Company and Northern  
Indiana Public Service Company

E-2.

Docket# EL02-111, 004, Midwest Independent Transmission System Operator, Inc., PJM Interconnection, L.L.C., and all Transmission Owners (including the entities identified below) Union Electric Company, Central Illinois Public Service Company, Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Michigan Electric Transmission Company, Dayton Power and Light Company, Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., American Transmission Systems, Inc., Illinois Power Company, Northern Indiana Public Service Company, Virginia Electric and Power Company, IES Utilities, Inc., Interstate Power Company, Aquila, Inc. (formerly UtiliCorp United, Inc.), PSI Entergy, Inc., Union Light Heat & Power Company, Dairyland Power Cooperative, Great River Energy, Hoosier Energy Rural Electric Cooperative, Indiana Municipal

<sup>1</sup> These articles require licensee to file aperture cards of the approved Exhibit G drawings; documentation of an agreement regarding land for recreation facilities; a report documenting consultation with the River Alliance of the feasibility of a canoe put-in; and, for Commission approval, various project plans.

<sup>2</sup> See Pacific Gas and Electric Company, 40 FERC ¶61,035 (1987).

<sup>3</sup> Rehearing request at p. 2.

<sup>4</sup> Kings River Conservation District, 36 FERC ¶61,365 (1986).

<sup>5</sup> City of Tacoma, Washington, 89 FERC ¶61,058 (1999). The only exception would be if the license articles specifically state that Conservation Groups must be consulted on extensions of deadlines set forth in the articles. Id. at 61,194 n. 9. Such is not the case here.